

PAM UI 400

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To request an unemployment insurance check (for a continued claim)

The Internet <http://www.kewes.ky.gov> will provide you with a fast easy way to request a check! You may also claim your weeks using the telephone by calling 866-291-2926. Both options are available Monday through Friday from 7:00 AM until 7:00 PM and Sunday from 2:00 PM until 9:00 PM (Eastern Time Zone)

Work search requirements while claiming unemployment insurance benefits.

By law, an unemployed worker must be “available for suitable full-time work and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances” while claiming UI benefits. You must:

- Be able to work
- Register for work with the Department for Employment Services (DES)
- Respond in a timely manner when DES contacts you about job openings
- Accept referrals from DES to suitable employment
- Report for job interviews to which you are referred
- Report for follow-up contacts with DES as instructed
- Participate in other reemployment services and case management to which you are referred
- Seek employment on your own, and;
- Accept suitable employment when offered

Failure to meet the above requirements may result in you being disqualified from receiving benefits.

Claimants must not rely solely on DES or any single job lead source to get a job. Occasionally while claiming UI benefits you will be required to report (in person if you live in Kentucky or commute to work in Kentucky, or by mail if you reside in a state other than Kentucky & did not commute to work in Kentucky) to DES to discuss your work search efforts. DES will want to know what employers you have contacted, when you contacted them, who you contacted at each location, and the results of those contacts.

This information must be readily available when DES requests an eligibility review with you.

UI claimants are allowed a reasonable period of time to find work that is comparable in pay and skill level in their most recent employment. However, if you are unable to find such work after a reasonable period of time or that type of work is not available in your local labor market; you will be required to lower your expectations and seek employment that pays less or is at a lower skill level than that to which you are accustomed.

Am I eligible to draw benefits?

Soon after you file your claim, you will receive a notice telling you if your claim is ALLOWED or DENIED based upon the amount of earnings reported in your “Base Period”. Your base period is the first four of the last five completed calendar quarter immediately prior to the quarter you file your claim. Here’s a chart to help you understand what the base period will be for a claim.

<i>If you file your claim between:</i>	<i>The claims base period will be between:</i>
Jan. 1 through Mar. 31	Oct. 1 to Sept. 30
April 1 through June 30	Jan. 1 to Dec. 31
July 1 through Sept. 30	April 1 to Mar. 31
Oct. 1 through Dec. 31	July 1 to June 30

For example, if you filed a claim with an effective date any time from January 1, 2002 through March 31, 2002, your base period for that claim begins October 1, 2000 and ends September 30, 2001.

There are also four requirements that must be met before a determination can be made that there are sufficient wages in your base period.

1. Wages of at least \$750 in one quarter.
2. Total wages of at least one and one-half times that wages in your high quarter.
3. Total wages outside the high quarter of at least \$750.
4. Wages in the last 2 quarters of at least 8 times your weekly rate.

If we do not find enough wages in your base period or you do not meet all four of the prior criteria, you will receive a notice stating that your claim is DENIED. If you believe all of your wages were not included in the determination, you may request a RECONSIDERATION. You may also request reconsideration if your weekly benefit amount is less than the maximum allowed and you believe all of your wages were not reported.

To request reconsideration, notify the Local Office closest to you or, if you live in another state and did not commute to work in Kentucky, you may contact the interstate office.

Bring or mail in proof of additional wages, such as check stubs, W-2s, or a statement from an employer. We will look into your claim and make any adjustments required. If you have requested reconsideration, YOU MUST continue to claim your weeks of benefits. (If you need reconsideration and you are claiming against Kentucky from another state, contact the Interstate Office at 502 564-2384.)

EMPLOYERS PAY THE FULL COST OF UI BENEFITS.

WORKERS DO NOT PAY ANY PART OF THE COST.

Combined Wage Claims

Did you work in another state during your base period? If so, you may want to file a COMBINED WAGE or INTERSTATE claim. The Internet system cannot file your Interstate claim against another state; however, the Internet system can request other states to send your wage credits to Kentucky.

All states have entered into an agreement to transfer wage credits from one state to another if such transfer is needed to assure that a claimant can establish a valid claim in at least one state, or to assure that he will qualify for all of the benefits under the law of the state against which his claim is filed.

If you have worked in two or more states within the past 18 months, you may wish to file a Combined Wage Claim. You may choose to file a Combined Wage Claim if you would qualify for benefits, which you would otherwise not be qualified for, or to increase the amount of your benefits.

You may not file a Combined Wage Claim, however, if you have established a valid claim in Kentucky or any

state and the benefit year has not ended, and you still have available unused benefit rights on that claim. If you request a Combined Wage Claim, the Kentucky Division of Unemployment Insurance will request all of your available wage credits from all of the states where you informed us that you have worked during the period of your claim in order to determine your benefit eligibility.

You have the right to withdraw from a Combined Wage Claim at any time prior to the date your monetary determination becomes final, provided you repay any benefits you have been paid or authorize the State against which a replacement claim is filed to offset the overpayment.

Federal, Military and Civilian Employment

How does service in the armed forces affect my claim for unemployment benefits?

If you served in the federal armed forces during your base period, wages earned during such services may be used in determining your eligibility for and the amount of your benefits. In addition to all regular eligibility and qualifying requirements, to be eligible to receive unemployment benefits based on military wages, you must have been discharged or released from military service under honorable conditions after completing your first full term of active service. You may be eligible for benefits if you were separated prior to completion of your first full term of service, but only if the reason for early separation is one approved by the U.S. Department of Defense. We must accept the findings of the federal government as final. Any appeals of federal findings must be directed to your former branch of the military within the appeal period noted on your determination explaining your benefit eligibility. If necessary, local office personnel may assist you in completing the necessary forms.

Federal and Civilian wages:

If you worked for the federal government in a non-military position, this service and all wages earned during your base period will be used to establish your benefit eligibility. Wages earned after your base period may be used in a subsequent claim if you are otherwise eligible. We must use the information reported to us by the Federal Payroll office regarding your length of employment, your wages, and the reason for your separation. If you disagree with the federal findings, you may ask for reconsideration. If you request reconsideration, you must notify your local office within the time period for appeals noted on your determination explaining your benefit eligibility.

If my claim is "allowed", do I get my benefits now?

It's a good start, but more is required. You may be an insured worker and still be ineligible or disqualified for benefits. Some of the common reasons you may be ineligible or disqualified are:

- You are not able to work, or available for full-time work or actively seeking full-time work. · You have a medical reason to prevent you from accepting work.
- You are an alien not permitted to work.
- You have unreasonable limited the wages you will accept, the hours or days you will work, the locations where you work or the jobs you will accept.
- You are not looking for work as instructed.
- You did not register for work with Job Services, if required.
- You are involved in a strike.
- You are self-employed/owner/officer of a corporation.
- You are attending school (without prior approval of the Department for Employment Services).
- You are a school employee between terms.
- You are suspended for misconduct.
- You refused suitable work.
- You do not have adequate transportation.

- You don't have someone to care for your children while you work.
- You were fired for misconduct connected with your work.
- You quit your job for personal reasons or for reasons that were not considered "good cause" connected with the employment. You worked or earned wages in excess of the amount allowed to be considered "unemployed." You did not report, telephone, or provide information to the local office when instructed.
- You failed to participate in required services under the Case Management Program.

This is only a partial list of reasons you may be disqualified or ineligible.

How much will I receive in benefits each week?

Your weekly benefit amount is 1.3078% of your total base period wages, except it cannot be less than \$39.00 nor more than the maximum set by law. Assume the following wages were reported:

To find out the claimant's WEEKLY BENEFIT AMOUNT, we multiply 1.3078% by the total base period wages:

1 st Quarter (January-March)	\$3,500
2 nd Quarter (April-June)	4,000
3 rd Quarter (July-September)	3,500
4 th Quarter (October-December)	3,000
Total Base Period Wages	\$14,000

$$\$14,000 \times 1.3078\% = \$183.09$$

The claimant's WEEKLY BENEFIT AMOUNT (rounded to the nearest dollar) would be \$183.00.

The maximum amount of benefits you can draw during the life of the claim would be the lesser of 26 times your weekly benefit rate or 1/3 of total base period wages.

In the example given, the maximum amount payable during the life of the claim would be 26 X \$183.00, which is \$4,758.00.

Once your weekly benefit rate is established, the actual amount of your weekly benefit check can vary because of required or elected deductions.

Eighty percent of your GROSS wages, BEFORE deductions, that you

EARN during the week claimed will be deducted from your weekly amount. For example, if your weekly benefit amount is \$150.00 and you earn \$40.00 during the week, we will deduct \$32.00 (80% of \$40.00) from your weekly amount of \$150.00, and issue you a check for \$118.00.

If you receive a PENSION, you must let us know because in some cases, your pension will be deducted from your weekly benefits. Pensions paid under the Social Security Act or Railroad Retirement Act will not be deducted.

One hundred percent of wages received in lieu of notice will be deducted. This is different from severance pay, which is not deductible. If in doubt, ask your interviewer to explain the difference

Eligibility Reviews

Generally every six weeks, your card will have asterisks (*) in the place of the dates of the weeks claimed. If you live in another state, you will receive an "Interstate Request for Eligibility Review" in the mail. The form is to be completed and returned to your Interstate Office within seven (7) days from the date the request is made. If you live in Kentucky, you must report on a Wednesday, Thursday or before noon on Friday to the local UI office closest to where you live. Eligibility reviews ARE REQUIRED and we cannot write your benefit check until the interview is conducted.

You will be asked questions to see if you're still ABLE and AVAILABLE for work. Do you have transportation to work? Do you have a baby-sitter to take care of your children while you work? Are you attending school? Are you self-employed?

Your eligibility will be reviewed. For example, we'll want to know about your work search, the type of work you are looking for, the hours and days you can work, the minimum salary you are willing to accept, etc. We want to be sure that your goals are realistic and within your capabilities. **We'll also want to know where you have looked for work and where you plan to look for work.**

Lost or stolen checks

You may call Interactive Voice Response (IVR) at the telephone number listed to find out when your check was processed and mailed. Do not call the local office for this information until 10 days have passed since you submitted your request for payment either through the automated system or the mail.

If your check is lost or stolen we cannot send a tracer for 14 days from the date that the check was issued. You may call or visit the local office for further information regarding this procedure. It is important that we have your correct mailing address. The postal service will not forward you unemployment check.

Will my employer know when I file for benefits?

YES! The same day you file your claim, we will mail a copy of it to your employer. Your employer has the right to protest if he does not agree with the information you present on your application.

Be sure to enter the real reason for your separation.

If there is a difference between what you say is the reason for your separation and what your employer says, we will investigate the issue to determine the facts.

You will always receive a notice of the investigator's decision, and you have 15 days to appeal the decision if you disagree with it, likewise an employer may also appeal. If you are awarded benefits and the decision is reversed on appeal, you will be required to repay the benefits received.

Indeed, this is a very complicated program, and it is best to get all the facts straight from the beginning! If you are confused, ask questions!

How long do disqualifications last?

Under one type of disqualification, you must work in at least a part of each of 10 weeks (whether or not consecutive) and earn total wages of at least 10 times your weekly benefit rate that was established when you filed your claim.

Another, more serious disqualification is for making a FALSE STATEMENT or failing to tell us an important fact, such as working while drawing benefits. **DO NOT BE GUILTY OF FRAUD!** If you make a FALSE STATEMENT in claiming benefits, you can be disqualified for up to 52 weeks! There are other penalties for fraud, too, such as FINES and POSSIBLE IMPRISONMENT. Also, all benefits fraudulently received **MUST BE REPAYED** to the Division of Unemployment Insurance. Interest will accrue and there may be a lien filing fee as well as a lien release fee.

How do I claim my weekly benefits?

You will receive a pay order form in the mail. **DO NOT MAIL THIS FORM UNLESS SPECIFICALLY INSTRUCTED TO DO SO!** If instructed to mail, **DO NOT FAX** unless specific instruction is given you to do so! It is an instructional aid to help you in ordering your checks at the correct time and for the division to give you messages of when eligibility reviews are due.

You will be given a date on which to order your first check. Order the next check on Sunday (two weeks later) and on Sunday's thereafter. The IVR and the WEBSITE are available Sundays from 2PM-9PM EST, and from 7AM to 7PM Monday through Friday.

You must have the following information readily available before you place your call to the automated system:

- Your social security number
- Your personal identification number (PIN) (this is a 4-digit number chosen by you during your first visit)
- The date you returned to full-time work, if you have returned to work.
- The number of hours you worked, if you were paid or will be paid for the work and the gross amount of earnings, as well as any holiday, vacation, or other pay you received or will receive.

The following questions asked in the voice system are similar to the questions you will be asked if you claim via the Internet.

For the IVR (phone claims/Interactive Voice Response) call the toll free phone number of 1-866-291-2926 or via the Web, the site is _____.

To claim by phone select option 1; by web select Claiming Benefit Weeks.

You will be asked to enter your Social Security Number and your PIN number (the 4 digit Personal Identification Number that you choose).

The systems will inform you of the weeks you will be claiming, for example: “You will be claiming the weeks 10-14-02 TO 10-20-02 and 10-21-02 to 10-27-02.

If you are only off for one week it may ask for one week only, however if the system does ask you about a second week you MUST report your hours and wages
Did you return to full-time work during this week? ---

If yes, the system will ask for the date you returned to work. Enter dates. By phone the system expects 6 numbers so a zero must precede months and days with 1 digit. For example, if you returned to work on November 6, 2002, then punch in the numbers 1 1 0 6 0 2.

During this week, did you perform any work for which you were paid or will be paid or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard Duty Pay, Holiday Pay or Vacation Pay? ---If YES, then you will be asked a series of questions.

Was any portion of these earnings from Holiday Pay? If YES, enter the total amount you earned before any deductions were made, NOT your hourly pay rate. The pound key must follow dollars and cents; for example, \$85.50 would be entered as 8550#.

You must enter this amount under holiday pay, DO NOT ENTER THIS AMOUNT UNDER WAGES AND TIPS. It will ask you if this is correct, press 1. Otherwise, press 2.

Was any portion of these earnings from Vacation Pay? If yes, the next question is “Do you have a definite date to return to work with this employer within 6 weeks?” Press 1 for Yes, otherwise, press 2 for No. If yes, enter the total amount you earned before any deductions were made, NOT your hourly pay rate. You must enter this amount under vacation pay.

DO NOT ENTER THIS AMOUNT UNDER WAGES AND TIPS. The pound key must follow dollars and cents; for example, \$85.50 would be entered as 8550#. It will ask you if this is correct, then press 1. Otherwise, press

Was any portion of these earnings from odd jobs, self-employment, commission pay or National Guard Duty? Press 1 for yes, otherwise, press 2 for no. (If yes, the next questions will be for the number of hours worked followed by the pound key #).

Following question will be to enter the amount you earned in dollars and cents followed by the pound (#) key). You must enter this amount under “other” category. DO NOT ENTER THIS AMOUNT UNDER WAGES AND TIPS.

Was any portion of these earnings from wages or tips? Press 1 for yes, otherwise, press 2 for no. (If yes, the next question will be for the number of hours worked, followed by the pound (3) key).

Following question will be to enter the amount you earned in dollars and cents followed by the pound (#) key. This is the ONLY time you will enter your amount of earnings under wages and tips. This is if you had regular earnings.

Do not include vacation pay, holiday pay, odd jobs, self-employment, commission pay or Reserve/ Guard Duty pay in with wages and tips.

Did you refuse work during this week? Press 1 for yes, otherwise, press 2 for no.

Did you quit a job or were you fired from a job after (filing) date? Press 1 for yes, otherwise, press 2 for no.

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding Social Security benefits?

Were you physically and mentally able to work each day?

Were you available for permanent, full-time work each day?

Now, you will be asked the same above questions for the next week (in some instances the system will not inquire about the second week). Remember if you returned to work you must report your wages (including holiday pay & vacation pay).

If you cannot use the IVR or the web and you mail your form rather than claiming benefits otherwise, the last thing you will do after answering all the questions is to sign and date the claim form, certifying that all the information provided by you is accurate and complete. INTERSTATE CLAIMANT’S ONLY—If you are living in another state and have not been a commuter to work in Kentucky, and you need to mail a form, send the form to: INTERSTATE SECTION PO BOX 452 FRANKFORT, KY. 40602

NOTICE

Do not call the system back to claim your weeks unless there was a system problem and you were advised by the computer to call back later, or return to the web later. When claiming by phone, multiple calls in a day will kick your payment out as a duplicate! You will get a call from your local office to certify your weeks again, and YOU will delay your benefits.

There’s no way around it! If during your telephone call via IVR or the Web site, it tells you to CONTACT YOUR LOCAL OFFICE, you must contact as instructed before the weeks can be paid. Calling the system again will not issue a payment!

Answers to all questions must be personally entered by you and must be truthful. Falsification of information is punishable by fines and/or imprisonment under KRS.341.990.

If you hang up the phone or exit the web before the system tells you to, your claim for benefits will not be processed. If using IVR and a cell phone and lose your signal, this is the same as hanging up. Please follow the system’s instructions very carefully.

Once your claim has been accepted by the system, please do not mail your pay order form to the UI office! If you do not receive your check within 10 days after making your call, you may then contact your local office.

Trade Adjustment Assistance (TAA)

Trade Adjustment Assistance provides assistance to workers who have been totally or partially separated from their jobs because of increased foreign imports. If you believe you may be eligible to receive benefits under this program, please inquire at your local office.

Your benefits are taxable!

Unemployment insurance benefits are taxable and must be reported on your annual income tax return. The Department will report the total amount of your benefits to the Internal Revenue Service and will provide you with an annual statement (Form 1099G), which will be mailed to you no later than January 31st of each year.

You may have federal income tax withheld from your unemployment insurance benefit check. This is optional and may be changed once during your benefit year. You make this selection when first filing your claim for benefits. To change this selection, you may call the VRU. A touch-tone phone is required. If you choose withholding, the amount withheld will always be 10% of your weekly benefit entitlement.

Assurance of Equal Opportunity (EO)

The Kentucky Department for Employment Services will ensure that auxiliary aids and services are available upon request to individuals with disabilities. It is against the law for DES to discriminate against any individual in the U.S., on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. The Department has agreed to comply with the equal opportunity and nondiscrimination laws and all amendments subsequent to implementation dates as follows:

Title VI of the Civil Rights Act of 1964.
Section 504 of the Rehabilitation Act of 1973.
The Age Discrimination Act of 1975.
The Americans with Disabilities Act of 1990.
Workforce Investment Act (WIA) of 1998.

If you believe you have been discriminated against under one of the laws listed above, you have a right to file a complaint according to the procedures in the next section. You may ask for assistance at your local office, or call the Department's Office of Equal Opportunity at (502) 564-2918.

If you believe you have experienced discrimination...

If you think that you have been subjected to discrimination under a WIA Title I - financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Kentucky EO Officer
The Department for Training and Reemployment
209 St. Clair Street, 4th Floor
Frankfort, Kentucky 40601
OR
The Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210

- We MUST have your SOCIAL SECURITY NUMBER whenever you visit, call or write to the office

about your claim.

- **YOUR CHECK CANNOT BE FORWARDED!** If you **MOVE**, be sure to notify your local office of your new address immediately.
- You may access IVR for the date your check was mailed. Wait 10 days before calling the local office if it gives you a date the check was mailed.
- **CLAIM** each week as instructed while waiting to hear the results of an appeal or reconsideration. We cannot pay you for past weeks even if the decision is in your favor.

If you believe any decision to deny UI benefits to you is incorrect, you may **APPEAL** the decision. This may be done at your local office, or in writing addressed to: Department for Employment Services Division of Unemployment Insurance Appeals Branch / 2EB Frankfort KY 40621